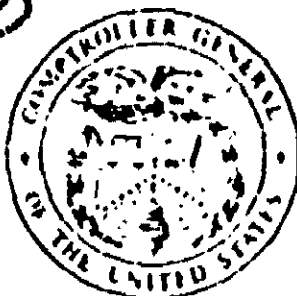


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DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-204199

DATE: February 2, 1982

MATTER OF: Evaluation Technologies Incorporated

DIGEST:

Protest against agency decision to reject as unacceptable sole small business proposal received in response to set aside solicitation, and to reprocur on unrestricted basis, is denied because contracting activity's conclusion that the proposal would require major revision to be acceptable is reasonable.

Evaluation Technologies Incorporated (ETI) protests the rejection of its proposal and cancellation of request for proposals (RFP) 5-05554/029 by the National Aeronautics and Space Administration (NASA). The RFP, which was restricted as a 100 percent small business set-aside, sought technical library support services for the Goddard Space Flight Center. ETI, in cooperation with the incumbent library support services contractor, Informatics, Inc., submitted the only proposal received; NASA found that the ETI proposal was technically unacceptable and concluded that the proposal could not be made acceptable without major revision.

We deny the protest.

Essentially, ETI complains that its proposal could not have been unacceptable because: (1) it was the result of collaboration with Informatics, (2) ETI was proposing to continue the work done by Informatics using Informatics personnel, and (3) Informatics has performed the prior contract satisfactorily. Noting that the RFP evaluation criteria assigned greatest weight to offerors' understanding and technical approach, key personnel, and company resources, in that order, ETI contends that it should have scored high marks because it teamed with and drew heavily on Informatics' experience as NASA's contractor over the past nine years, and because it would have

continued using Informatics personnel, and because it offered Informatics' resources as well as its own.

In response, NASA insists that the ETI proposal was properly evaluated and rejected. NASA points out that the library in question is a technical library which differs in sophistication and complexity from public libraries in its use of computerized techniques found only in libraries dealing with technical or scientific research publications and data. NASA says and explained at a preproposal conference that it wanted innovative proposals emphasizing techniques which might be used to improve the quality of the service it had obtained in the past. However, NASA says, ETI's proposal dwelled on the continuation of existing techniques and failed to discuss means which might be applied to improve service.

Further, NASA says the proposal was not considered acceptable because ETI failed to adequately address all of the areas evaluated and in a number of respects failed to provide essential information specifically requested in the RFP. Regarding ETI's contention that it must have met the criteria with respect to key personnel, NASA points out that none of the key personnel proposed presently works for the protester and none of them met all of the RFP personnel criteria. NASA also says that ETI's proposal failed to discuss the collective capability of the team of personnel it proposed as specifically required in the RFP. Moreover, NASA found that ETI had few if any resources of its own (personnel, facilities, or equipment) with which to perform the contract, and failed to explain its proposed relationship with Informatics as its principal subcontractor. In the circumstances, NASA concluded that ETI would have to largely rewrite its proposal before it could be made acceptable.

It is not our function to evaluate proposals and make our own determination as to their acceptability. The determination as to the technical acceptability of a proposal involves the exercise of discretion by contracting personnel which will not be disturbed unless it is clearly shown to be unreasonable, arbitrary, or a violation of procurement laws and regulations. Struthers Electronics Corporation, B-186002, September 10, 1976, 76-2 CPD 231; Kirschner Associates, Inc., B-178887, April 10, 1974, 74-1 CPD 182.

Generally, in reviewing whether a proposal is so deficient that an agency could reasonably conclude that it could be made acceptable only if it were substantially rewritten, we have examined the extent to which the proposal failed to provide a knowledgeable response to specific RFP requirements for detailed information. Informatics, Inc., B-194926, July 2, 1980, 80-2 CPD 8.

In this respect, the RFP stated that technical proposals would be evaluated in part with respect to each offeror's understanding of, and performance plan for, the accomplishment of certain subjects. These special subjects were categorized as "little case studies" at a preproposal conference. At this conference, NASA pointed out that a solution to those special subjects was to be included in the proposal and that these special subjects "will give you a wonderful opportunity * * * to show your experience, your technical competence and your innovation." Each of these subjects cross-referenced a specific portion of the RFP description of the contractor's anticipated responsibilities, highlighting points which NASA believed should be given particular emphasis and which NASA indicated during the preproposal conference would make up half of its evaluation of each offeror's understanding of the technical requirements.

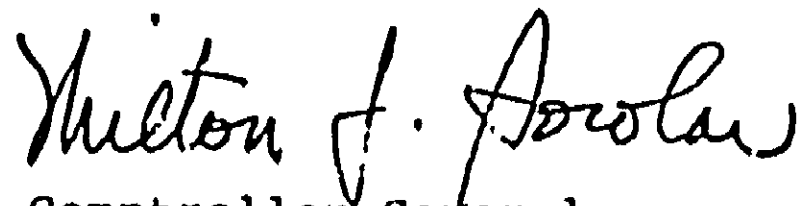
From our examination of the record, we have concluded that apart from commenting on some of these subjects in passing, the protester devoted little attention to them in its proposal. It did not single them out for detailed treatment, as NASA had expected, by using them as case studies to illustrate its technical understanding and innovative approaches to their solution. For example, ETI did not explain the steps it proposed to take to expedite the publication acquisition processes, to accommodate required changes to the library cataloging, classification, and bibliographic control systems, or to identify needed changes in the library collection. These and other subjects similarly treated in the proposal were significant deficiencies which would have required a major revision to ETI's televised proposal to make it acceptable.

We also agree that NASA could properly question the adequacy of the protester's resources. For example, almost all of the essential resources belonged to Informatics, not

ETI. ETI did not have the personnel or any backup personnel in its employ and it did not have the necessary computer facilities for contract performance. Essentially, ETI was offering to continue to perform the contract much in the same way as Informatics had in the past with itself substituted as the prime contractor. The agency clearly did not want a continuation of the prior contract and it was not obligated to accept such a result simply because ETI was the sole offeror.

We believe the record before us amply demonstrates that the ETI proposal would have to be substantially revised to meet NASA's needs. Thus we conclude that there is a reasonable basis for NASA's conclusion, and there is, therefore, no reason to question NASA's decision.

The protest is denied.



Acting Comptroller General
of the United States